



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION FOR THE  
IMPERIAL VALLEY SOLAR PROJECT**  
(formerly known as SES Solar Two Project)  
**IMPERIAL VALLEY SOLAR, LLC**

**DOCKET No. 08-AFC-5**

**REVISED COMMITTEE SCHEDULING ORDER**

On October 8, 2008, the Application for Certification (AFC) was deemed data-adequate for the twelve-month review process consistent with Public Resources Code section 25540.6. The Committee conducted a public informational hearing on November 24, 2008, to discuss the schedule and other issues of concern, and shortly thereafter issued a Scheduling Order containing a schedule based upon both Staff and Applicant's proposed schedules. A Revised Scheduling Order was issued on December 3, 2009.

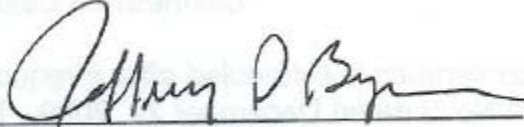

Staff has worked diligently with the Bureau of Land Management (BLM), in addition to the cooperating federal agencies – the National Parks Service and the United States Army Corps of Engineers – to complete the analysis. Staff published its Staff Assessment on February 12, 2010. The Environmental Protection Agency intended to publish the Notice of Availability of the Draft Environmental Impact Statement (DEIS) in the Federal Register on the same day, but due to extreme weather conditions in the Washington D.C. area, the Notice of Availability is anticipated to be published until February 26, 2010 which begins the 90-day Comment Period of the DEIS.

Despite the time necessary to review additional information submitted by the applicant in December and working with the federal agencies, the Committee has developed the following schedule which could result in issuance of a Final Decision by August 25, 2010 as set forth in the December 3, 2009 Scheduling Order. This would be accomplished through the shortening of certain review and briefing periods, while leaving intact legally required review periods. This revised schedule proposes to begin Evidentiary Hearings on April 22, 2010. However, it is evident to us, from correspondence contained in the Docket, that Cultural Resources testimony may not be ready in time for Evidentiary Hearings in April, primarily because a Programmatic Agreement between the Energy Commission and the Bureau of Land Management, which will describe mitigation for anticipated cultural resources impacts, will likely not be finalized until May. Accordingly, we emphasize here that while the parties are expected to prepare and file completed testimony in accord with this revised schedule so as to be ready for Evidentiary Hearings on April 22, 2010, Cultural

Resources testimony, and any supplementary testimony on other topics which will not be ready by that date, shall be filed as soon as possible thereafter. The Committee has held May 24, 2010 for additional Evidentiary Hearings to hear and potentially admit such testimony, if necessary.

We may modify the schedule at any time upon either our own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709.7(c).] The schedule requires the parties to file status reports every four weeks to advise us of whether or not case development is progressing satisfactorily, and to bring potential schedule delays or other relevant matters to our attention.

Dated: March 1, 2010 at Sacramento, California.

  
JEFFREY D. BYRON  
Commissioner and Presiding Member  
SES Solar Two AFC Committee  
ANTHONY EGGERT  
Commissioner and Associate Member  
SES Solar Two AFC Committee

**Third Committee Schedule (Revised)**  
**SES Solar Two Project**  
**(08-AFC-5)**

| ACTIVITY   | DATE      |
|--|-----------|
| Publish Staff Assessment (SA)  | 2/12/2010 |
| USFWS Accepts Biological Assessment  | 2/15/2010 |
| Publish Draft Environmental Impact Statement (EIS) in Federal Register (anticipated) | 2/26/2010 |
| Staff Assessment Workshops   | 3/1/2010  |
| Applicant Files Opening Testimony  | 3/15/2010 |
| Prehearing Conference Statements Filed   | 3/15/2010 |
| Prehearing Conference and Last Day to File a Petition to Intervene                   | 3/22/2010 |
| Other Testimony Filed  | 4/1/2010  |
| Rebuttal Testimony Filed   | 4/8/2010  |
| Final Prehearing Conference (if needed)  | 4/8/2010  |
| Begin Evidentiary Hearings*  | 4/19/2010 |
| Post Hearing Briefs Filed  | 5/3/2010  |
| U.S. Fish and Wildlife Service Issues Biological Opinion                             | 5/17/2010 |
| Cultural Resources Programmatic Agreement Finalized*                                 | 5/17/2010 |
| Supplemental Evidentiary Hearings (if needed)  | 5/24/2010 |
| Draft EIS Comment Period Ends  | 5/27/2010 |
| Publish Supplemental SA/Final EIS  | 6/15/2010 |
| Publish Presiding Member's Proposed Decision (PMPD)                                  | 7/1/2010  |
| PMPD Hearing   | 7/21/2010 |
| PMPD Comment Ends  | 8/2/2010  |
| Revised PMPD (if needed)   | TBD       |
| Final Decision Hearing   | 8/25/2010 |
| Bureau of Land Management Record of Decision   | 8/25/2010 |

Dated 3/1/10

\*Evidentiary Hearings will start with topics that are complete. Additional hearing dates will be scheduled as needed to hear evidence as additional topics become complete. At this time it appears that only Cultural Resources will be incomplete by April 22 due to ongoing preparation of the Programmatic Agreement between the Energy Commission and the Bureau of Land Management.